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In re Application of
MADHOK, et al.
U.S. Application No.: 10/510,277
PCT No.: PCT/IN02/00100
Int. Filing Date: 03 April 2002
Priority Date: 03 April 2002
Attorney Docket No.: 3834
For: SYSTEM AND METHOD FOR DETECTING
CARD FRAUD

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Petition to Commissioner to Accept Application Without Signature of Uncooperative Inventor (One of Three Total Inventors) Under 37 C.F.R. Section 1.47 With Declaration" filed 15 August 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 03 April 2002, applicant filed international application PCT/IN02/00100. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 09 October 2003. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 October 2004.

On 04 October 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an Application Data Sheet. An executed oath or declaration was not included.

On 12 May 2005, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees

On 15 August 2005, applicant responded with the present petition to accept the combined declaration and power of attorney without the signature of joint inventor Pankaj Sethi

accompanied by a declaration executed by the remaining joint inventors on their own behalf and on the behalf of the non-signing joint inventor. The petition was accompanied by a petition for a one-month petition of time and certification that the subject papers were deposited for mailing on 12 August 2005. As such, the response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items and it is appropriate to grant the petition under 37 CFR 1.47(a).

Regarding item (1), applicant provided a check in the amount of \$130.00 as payment of the appropriate petition fee. Applicant is advised that the appropriate fee is \$200.00. The \$70.00 difference will be charged to Deposit Account No.: 50-2236.

As to item (2), applicant has provided a signed statement from counsel avowing to his first hand knowledge and detailing efforts to obtain the signature of Mr. Sethi; including sending a complete set of application papers to Mr. Sethi. The lack of response constitutes a refusal under the provisions of 37 CFR 1.47.

Regarding item (3), applicant has supplied a statement of the last known address of Mr. Sethi.

As to item (4), applicant has a combined declaration and power of attorney executed by the remaining joint inventors on their own behalf and on the behalf of the non-signing joint inventor.

Accordingly, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 03 April 2002 under 35 U.S.C. 363, and will be given a date of **15 August 2005** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

A handwritten signature in black ink, appearing to read 'D. A. Putonen', is written above the typed name.

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